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Notice of Allowability

Application No.

10/824,325

Examiner

Rodney B. White

Applicant(s)

SCHROTH, CARL-JURGEN

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 7/1/2005 and the Interview on 7/14/2005.
2. ☒ The allowed claim(s) is/are 1-2, 13, 3, 16-18, 4-12, 14-15, and 19-23, renumbered 1-23 respectively.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

S.O.O

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Henry Feiereisen on July 14, 2005 (See Interview Summary on 7/14/2005).

The application has been amended as follows:

In the claims:

1. (Twice amended) Apparatus for positioning an occupant of a vehicle in an area of a closeable roof hatch, comprising:
 - a carrier frame constructed for suspended securement in a vehicle below a roof hatch and including a vertical support portion and a horizontal standing area connected to the vertical support portion;
 - a seat assembly for the occupant, said seat assembly having a backrest guided by the vertical support portion for movement in a vertical direction between upper and lower end positions and spring-biased to seek the upper end position, a seating area swingably mounted to a lower end of the backrest [for] allowing pivotal movement from a horizontal

disposition [downwards] to a substantially vertical position in a direction of the carrier frame out of a movement path of the occupant, when the occupant moves to an upright position, and a coupling brace having one end swingably mounted to the seating area and another end swingably mounted to the standing area; and
a seat belt connected to the seat assembly.

21. (Twice amended) Apparatus for moving an occupant of a vehicle between a seated position and an upright position, comprising:
- a carrier frame constructed for suspended securement to a roof of a vehicle;
 - a seat assembly mounted to the carrier frame for movement between a collapsed configuration in which an occupant is seated on a seating area, and a stretched configuration in which the occupant assumes an upright disposition at a distance to a vehicle's bottom, with the seating area pivotally swinging [downwards] in a direction of the carrier frame, to a substantially vertical position out of a movement path of the occupant when the occupant moves to the upright disposition, said seat assembly being spring-biased to seek the stretched configuration; and
 - a seat belt for fastening the occupant to the seat assembly.

The following is an examiner's statement of reasons for allowance: While the prior art, specifically the Jessup et al reference (U.S. Patent Application Publication No. 2002/0021041 A1) teaches a structure similar to the present invention, the seat or seating area of the seat assembly does not pivotally swing to upright position in the direction of the carrier frame to an upright position out of a movement path of the occupant when the occupant moves to the upright disposition.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

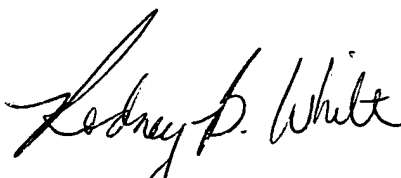
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,
Patent Examiner
Art Unit 3636
July 15, 2005



RODNEY B. WHITE
PRIMARY EXAMINER